

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **18 JUN 2008**

Applicant's or agent's file reference
06975-654WO1

FOR FURTHER ACTION
See paragraph 2 below

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US07/66988

19 April 2007 (19.04.2007)

25 April 2006 (25.04.2006)

International Patent Classification (IPC) or both national classification and IPC

IPC: G06F 3/048(2006.01);G06F 3/00(2006.01)

USPC: 715/751,753,755,757,758,848

Applicant

AOL INC

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Date of completion of this opinion
22 May 2008 (22.05.2008)

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Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

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PCT/US07/66988**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-37</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-37</u>	NO
Industrial applicability (IA)	Claims <u>1-37</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-37 lack novelty under PCT Article 33(2) as being anticipated by Liles et al. ("Liles", U.S. Pat. No. 5,880,731).

Per claim 1, Liles teaches a computer-implemented method for animating a first avatar based on perceived animation of a second avatar, the method comprising:

graphically representing a first user using a first avatar capable of being animated (col. 3, lines 28-31);

graphically representing a second user using a second avatar capable of being animated wherein communication messages are being sent between the first user and the second user (col. 3, lines 28-31 and lines 59-61; communications messages are sent between user in other to show animation/chat text from one participant to another participant));

receiving an indication of content communicated by the first user (col. 3, lines 28-31 and lines 59-61; communications messages are received by the system when the communication messages are sent between participants in other to show animation/chat text from one participant to another participant);

identifying a first category that is associated with the second user (fig. 16; col. 6, lines 50-67 and col. 13, lines 50-67; which shows the user can identify a category for identifying an avatar);

identifying an animation based on the content communicated by the first user and the first category that is associated with the second user (fig. 3; col. 6, lines 10-67 and col. 9, lines 40-51; ; a participant can identify an animation for the participant's avatar based on an animation of the other participant's avatar)

in response to and based on the received indication of content communicated by the first user and the first category that is associated with the second user, animating the first avatar such that the first avatar appears to interact with the second avatar (col. 3, lines 32-41; a participant can select and initiate an animation employing the avatar in response to an animation of the other participant's avatar).

Per claim 2, Liles teaches the method of claim 1 wherein: the first category that is associated with the second user being established by a first participant list perceivable to the first user, and the first particular list organizes users identified by the first user into categories and displays on-line presence information for each identified user (figs. 13 and 16; col. 13, lines 50-67; a first participant list 260; enabling of the user to limit interaction with other participants).

Per claim 3, Liles teaches the method of claim 1 wherein the first and second avatars are displayed in an instant messaging window (fig. 13; col. 11, lines 1-2).

Per claim 4, Liles teaches the method of claim 1 wherein animating the first avatar such that the first avatar appears to interact with the second avatar comprises animating the first avatar such that the first avatar appears to physically interact with the second avatar (col. 8, lines 42-45 lines 50-55 and lines 61-67).

Per claim 5, Liles teaches the method of claim 1 wherein animating the first avatar such that the first avatar appears to interact with the second avatar comprises animating the first avatar such that the first avatar appears to move toward or away from the second avatar (figs.

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13; col. 12, lines 60-63).

Per claim 6, Liles teaches the method of claim 1 wherein animating the first avatar such that the first avatar appears to interact with the second avatar comprises animating the first avatar such that the first avatar appears to touch the second avatar (figs. 13; col. 12, lines 60-63; col. 9, lines 1-5; which shows participant can move avatar to interact with each others and customize their avatars as desired).

Per claim 7, Liles teaches the method of claim 1 wherein animating the first avatar such that the first avatar appears to interact with the second avatar comprises animating the first avatar such that the first avatar appears to verbally interact with the second avatar (figs. 13; col. 12, lines 60-63; col. 9, lines 1-5; col. 10, lines 5-31; which shows participant can move avatar to interact with each others and text are treated as verbal communication).

Per claim 8, Liles teaches the method of claim 1 wherein animating the first avatar such that the first avatar appears to interact with the second avatar comprises animating the first avatar such that the first avatar appears to speak with the second avatar (figs. 13; col. 12, lines 60-63; col. 9, lines 1-5; col. 10, lines 5-31; which shows participant can move avatar to interact with each others and text are treated as verbal communication).

Per claim 9, Liles teaches the method of claim 8 wherein animating the first avatar such that the first avatar appears to speak an audible greeting to the second avatar (figs. 15; col. 10, lines 5-31 and col. 13, lines 35-38; which shows sound effect and animated text are treated as verbal communication).

Per claim 10, Liles teaches method of claim 1 wherein animating the first avatar such that the first avatar appears to interact with the second avatar comprises animating the first avatar such that the first avatar appears to hear sounds made by the second avatar (figs. 15; col. 10, lines 5-31 and col. 13, lines 35-38; which shows sound effect and animated text are treated as verbal communication).

Per claim 11, Liles teaches the method of claim 10 wherein animating the first avatar such that the first avatar appears to hear sounds made by the second avatar comprises the first avatar such that the first avatar appears to hear words spoken by the second avatar (figs. 15; col. 10, lines 5-31 and col. 13, lines 35-38; which shows sound effect and animated text are treated as verbal communication).

Per claim 12, Liles teaches the method of claim 1 wherein animating the first avatar such that the first avatar appears to interact with the second avatar comprises animating a first avatar that represents a persona that gestures toward the second avatar (col. 7, lines 30-41).

Per claim 13, Liles teaches the method of claim 1 further comprising:
receiving an indication of content communicated by the second user (col. 3, lines 28-31 and lines 59-61; communications messages are received by the system when the communication messages are sent between participants in order to show animation/chat text from one participant to another participant);

identifying a second animation based on the content communicated by the second user (fig. 3; col. 6, lines 10-67 and col. 9, lines 40-51; a participant can identify an animation for the participant's avatar based on an animation of the other participant's avatar); and
in response to and based on the received indication content communicated by the first user and the received indication of content communicated by the second user, animating the first avatar and animating the second avatar such that the first avatar appears to interact with the second avatar, wherein the first avatar is animated in response to and based on the received indication of content communicated by the first user and the second avatar is animated in response to and based on the received indication content communicated by the second user (fig. 3; col. 6, lines 10-67 and col. 9, lines 40-51; a participant can select and initiate an animation employing the avatar in response to an animation of the other participant's avatar).

Per claim 14, Liles teaches the method of claim 13 wherein the first avatar and the second avatar are animated only after both the indication of content communicated by the first user and the indication of related content communicated by the second user are received (fig. 3; col. 6, lines 10-67 and col. 9, lines 40-51; a participant can select and initiate an animation employing the avatar in response to an animation of the other participant's avatar).

Per claim 15, Liles teaches The method of claim 1 wherein:

the first category being established by a participant list perceivable to the second user, the participant list organizes contacts identified by the second user into categories and displays on-line presence information for each identified contact (figs. 13 and 16; col. 12, lines 18-22; col. 13, lines 50-67; a participant list 260; enabling a participant to limit interaction with other participants),

a second category is associated with the first user, and animating the first avatar comprises animating the first avatar such that the first avatar appears to interact with the second avatar in response to and based on the received indication content communicated by the first user, the first category associated with the second user, and the second category associated with the first user (figs. 13 and 16; col. 12, lines 18-22; col. 13, lines 50-67; a participant list 260; enabling a participant to limit interaction with other participants).

Per claim 16, Liles teaches the method of claim 1 wherein: the first category being established by a first participant list perceivable to the first user, the first participant list organizes contacts identified by the first user into categories and displays on-line presence information for each identified contact (figs. 13 and 16; col. 12, lines 18-22; col. 13, lines 50-67; a participant list 260; enabling a participant to limit interaction with other participants), the second category being established by a second participant list perceivable to the second user, the second participant list organizes contacts identified by the second user into categories and displays on-line presence information for each identified contact (figs. 13 and 16; col. 12, lines 18-22; col. 13, lines 50-67; a participant list 260; enabling a participant to limit interaction with other participants), animating the first avatar comprises animating the first avatar such that the first avatar appears to interact with the second avatar in response to and based on the received indication content communicated by the first user and the first category associated by the first user with the second user, and animating the second avatar comprises animating the second avatar such that the first avatar appears to interact with the second avatar in response to and based on the received indication content communicated by the first user and the second category associated by the second user with the first user (col. 3, lines 28-31 and lines 59-61; communications messages are sent between user in order to show animation/chat text from one participant to another participant; col. 3, lines 32-41; col. 6, lines 50-67; col. 7, lines 30-41; col. 8, lines 59-67 show a participant can select and initiate an animation employing the avatar in response to an animation of the other participant's avatar)

Per claim 17, Liles teaches the method of claim 1 further comprising:

identifying a third user within an instant messaging environment to whom communication messages may be directed (figs. 13; col. 13,

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lines 8-10; and enabling a first persona of the first user to be projected to the second user while enabling a second persona of the first user to be concurrently projected to the third user, wherein: the first persona invokes the first avatar, the second persona invokes a third avatar capable of being animated, and the first persona and the second persona differ; (col. 3, lines 32-41; col. 6, lines 50-67; col. 7, lines 30-41; col. 8, lines 59-67 show a participant can select and initiate an animation employing the avatar in response to an animation of the other participant's avatar).

Per claim 18, Liles teaches the method of claim 17, wherein animating the first avatar comprises animating the first avatar such that the first avatar appears to interact with the second avatar in response to and based on the received indication content communicated by the first user and the first persona of the first user, further comprising animating the third avatar at least based on the persona of the first user (col. 3, lines 32-41; col. 6, lines 50-67; col. 7, lines 30-41; col. 8, lines 59-67 show a participant can select and initiate an animation employing the avatar in response to an animation of the other participant's avatar).

Per claim 19, Liles teaches the method of claim 1 wherein: identifying an animation comprises identifying an indication of a type of animation, and the first avatar is animated in response to a particular portion of a message sent between the first user and the second user (col. 9, lines 55-65 and col. 10, lines 28-32; a participant can select an animation in response to message sent between participants).

Per claim 20, Liles teaches the method of claim 19 wherein the first avatar is animated in response to a particular portion of a message sent from the first user to the second user (col. 9, lines 55-65 and col. 10, lines 28-32; a participant can select an animation in response to message sent between participants).

Per claim 21, Liles teaches the method of claim 19 wherein the first avatar is animated in response to a particular portion of a message sent to the first user from the second user (col. 9, lines 55-65 and col. 10, lines 28-32; a participant can select an animation in response to message sent between participants).

Per claim 22, Liles teaches the method of claim 1 further comprising animating the first avatar and the second avatar in response to presence detection before a message is sent from the first user to the second user such that the first avatar appears to interact with the second avatar (col. 9, lines 55-65 and col. 10, lines 28-32; a participant can select an animation based on the participants' selections).

Per claim 23, Liles teaches the method of claim 1 further comprising animating the first avatar and the second avatar in response to a predetermined passage of an amount of time such that the first avatar appears to interact with the second avatar (col. 9, lines 15-31).

Per claim 24, Liles teaches the method of claim 1 wherein animating the first avatar such that the first avatar appears to interact with the second avatar comprises animating the first avatar such that the first avatar appears to increase in size or decrease in size relative to the second avatar (col. 9, lines 1-5 which shows user can customize their avatar as desired).

Per claim 25, Liles teaches the method of claim 1 wherein animating the first avatar may be disabled by a user (figs. 14, col. 13, lines 25-30).

Per claim 26, Liles teaches the method of claim 1 further comprising:

identifying a second category that is associated with the first user (figs. 13 and 16; col. 12, lines 18-22; col. 13, lines 50-67; a participant list 260; enabling a participant to limit interaction with other participants);

determining whether animating the first avatar would reveal a difference in the first category associated with the second user and the second category associated with the first user (fig. 11; col. 13, lines 35-41 and lines 50-67); and

in response to a determination that animating the first avatar would reveal a difference in the first category associated with the second user and the second category associated with the first user, taking action to obfuscate the difference (fig. 11; col. 13, lines 35-41 and lines 50-67).

Per claim 27, Liles teaches the method of claim 26 wherein taking action comprises warning at least the first user of the difference (fig. 11; col. 13, lines 35-41 and lines 50-67).

Per claim 28 Liles teaches the method of claim 26 wherein taking action comprises animating the first avatar to hide the difference (fig. 11; col. 13, lines 35-41 and lines 50-67).

Claims 29 and 30 are rejected under the same rationale as claims 1 and 3 respectively.

Claims 31-36 are rejected under the same rationale as claims 1-4, 13, and 15 respectively.

Claims 37 is rejected under the same rationale as claim 1.